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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,082	03/02/2004	Takeo Yoshida	118918	2490
25944 7590 07/01/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
LOUIE, OSCAR A				
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2436				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,082

Applicant(s)

YOSHIDA, TAKEO

Examiner

OSCAR A. LOUIE

Art Unit

2436

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6, 7 and 12-18 is/are allowed.
- 6) ☒ Claim(s) 5 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 & 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This final action is in response to the amendment filed on 03/09/2009. Claims 1-3, 5-7, & 9-18 are pending and have been considered as follows.

Examiner Note

In light of the applicant's amendments and remarks, the examiner hereby withdraws his previous Specification Objections, Claim Objections, 35 U.S.C. 112 1st paragraph rejections, 35 U.S.C. 112 2nd paragraph rejections, and 35 U.S.C. 101 rejections.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:
 - Claims 3, 5, 7, 9, & 12 recite "independent of the connection server machine" which appears to lack antecedent basis from the original disclosure;
 - o The examiner recommends cancellation of this language from these claims.

Claim Objections

2. Claims 1, 5, 7, 9, 12, & 18 are objected to because of the following informalities:
 - Claim 1, 5, 7, 9, 12, & 18 recite “the message not containing the address” which should be “...the message lacking the address...” or “...the message excluding the address...” to resolve issues with negative claim limitations which obscure the scope of the invention; Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 9 & 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 9 recites newly amended “the message not containing an address of the connection server machine” but does not disclose the limitation similar to “the authentication server machine transmitting the connection server address to the client machine in an authentication process before having ever received the connection server address from the client machine in the same authentication process” which clarifies the details which appear to be missing, thereby creating indefiniteness as to the scope of the claim limitations;

- Claim 11 does not recite the limitations “the message not containing an address of the connection server machine” and “the authentication server machine transmitting the connection server address to the client machine in an authentication process before having ever received the connection server address from the client machine in the same authentication process” which together clarify several aspects as shown in other independent claims, thereby creating indefiniteness as to the scope of the claim limitations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh et al. (US-6463474-B1).

Claim 5:

Fuh et al. disclose a connection server machine operating with an authentication server machine and a client machine comprising,

- “to switch from a state in which authentication information is not allowed to be received from the client address, to a state in which authentication information is allowed to be received from the client address” (i.e. “the firewall re-configures itself, in response to

successful authentication, so that packets that would otherwise be barred are now allowed to pass”) [column 7 lines 58-61];

- “the switching occurring in response to the receiving of the client address” (i.e. “In response to receiving the authentication information, the firewall performs an authentication”) [column 7 lines 50-51];
- “an authentication unit configured to receive the authentication information from the client machine having the client address to perform itself an authentication process by using the authentication information” (i.e. “In response to receiving the authentication information, the firewall performs an authentication and authorization process”) [column 7 lines 50-52];

but, they do not explicitly disclose,

- “a control unit configured to receive a client address of the client machine from the authentication server machine after the authentication server machine authenticates information received from the client address,” although Fuh et al. do suggest including source and destination IP addresses in the packets used in communication between devices, as recited below;
- “after a limited time period has elapsed since the control unit performs the switching, the control unit switches back from the state in which authentication information is allowed to be received from the client address to the state in which authentication information is not allowed to be received from the client address,” although Fuh et al. do suggest switching modes/states, as recited below;

however, Fuh et al. do disclose,

- “Each packet of an HTTP request includes a header portion that contains one or more fields of information. The fields include, among other things, values for source IP address and destination IP address of that packet” [column 10 lines 23-24];
- “the firewall re-configures itself, in response to successful authentication, so that packets that would otherwise be barred are now allowed to pass”) [column 7 lines 58-61];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant’s invention to include, “a control unit configured to receive a client address of the client machine from the authentication server machine after the authentication server machine authenticates information received from the client address” and “after a limited time period has elapsed since the control unit performs the switching, the control unit switches back from the state in which authentication information is allowed to be received from the client address to the state in which authentication information is not allowed to be received from the client address,” in the invention as disclosed by Fuh et al. for the purposes of providing adjustable access control based on the source and destination address of sent and received information.

Claim 10:

Fuh et al. disclose a connection server machine operating with a client machine and an authentication server machine comprising,

- “to switch, in response to the receiving of the address, from a state in which authentication information is not allowed to be received from the client address to a state in which authentication information is allowed to be received from the client address”

(i.e. “the firewall re-configures itself, in response to successful authentication, so that packets that would otherwise be barred are now allowed to pass”) [column 7 lines 58-61];

- “to allow communication from the address of the client machine for a predetermined period” (i.e. “the firewall re-configures itself, in response to successful authentication, so that packets that would otherwise be barred are now allowed to pass”) [column 7 lines 58-61];
- “a transmitting unit configured to transmit to the authentication server machine information indicating that the connection server machine has shifted to a connection wait state in which the connection server machine allows communication from the address of the client machine for the predetermined period” (i.e. “the firewall re-configures itself, in response to successful authentication, so that packets that would otherwise be barred are now allowed to pass”) [column 7 lines 58-61];

but, they do not explicitly disclose,

- “a control unit configured to receive from the authentication server machine an address of the client machine,” although Fuh et al. do suggest including source and destination IP addresses in the packets used in communication between devices, as recited below;

however, Fuh et al. do disclose,

- “Each packet of an HTTP request includes a header portion that contains one or more fields of information. The fields include, among other things, values for source IP address and destination IP address of that packet” [column 10 lines 23-24];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "a control unit configured to receive from the authentication server machine an address of the client machine," in the invention as disclosed by Fuh et al. for the purposes of providing adjustable access control based on the source and destination address of sent and received information.

Allowable Subject Matter

7. Claims 1-3, 6, 7, & 12-18 allowed.
8. Claim 9 & 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

9. Applicant's arguments filed 03/09/2009 with respect to Claims 5 & 10 have been fully considered but they are not persuasive.
 - The applicant's arguments with respect to, "Fuh does not disclose switching from a state in which authentication information is not allowed to be received from the client address to a state in which authentication information is allowed to be received from the client address," have been carefully considered but are non-persuasive;
 - o The examiner notes that the claim language as shown above is still broad enough to be interpreted as not receiving authentication from the client if the intermediary device disallows any access, as disclosed by the prior art;

- The applicant's arguments with respect to, "...does not disclose that the information is unique to the client apparatus," have been carefully considered but are non-persuasive;
 - o The examiner notes that the claim language of "information unique to the client apparatus" is broad and can include any information associated with the particular client such as a username and/or password, IP address, etc.;
- The applicant's arguments with respect to, "applied references do not disclose authentication servers that would first tell the client address of the connection server before the client tells any authentication server the address of the connection server," have been carefully considered but are non-persuasive for claims 5, 9, 10, & 11;
 - o The examiner notes that these claims do not recite said limitation.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Oscar Louie whose telephone number is 571-270-1684. The examiner can normally be reached Monday through Thursday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at 571-272-4195. The fax phone number for Formal or Official faxes to Technology Center 2400 is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAL
06/26/2009
/David García Cervetti/

Primary Examiner, Art Unit 2436